

Serial No.: 10/025,085  
Filed: December 19, 2001

**REMARKS**

**Election/Restrictions**

In response to the Office Action dated July 9, 2002 in which Examiner issues a restriction requirement in relation to claims 1 through 20, Applicants respectfully submit that the restriction requirement is improper and hereby request reconsideration and withdrawal of the restriction requirement by Examiner.

Applicants respectfully submit that the relationship between Inventions I and II as drawn up by Examiner is incorrect, thereby leading to the incorrect citation and application of MPEP § 806.05(h) as a basis for issuing the restriction requirement. Applicants respectfully contend that Inventions I and II are not related as product and process of use of product. Instead, Applicants respectfully submit that Inventions I and II are correctly related as process of making product and product, and therefore MPEP § 806.05(h) is incorrectly applied in the restriction requirement.

However, in order to forestall any further restriction requirement by Examiner, Applicants, without prejudice, request preliminary amendments to claims 1, 11, 12 and 16. Applicants respectfully submit that the process as claimed in amended claim 1 is an obvious process of making the product as claimed in amended claim 11. Applicants further respectfully submit that the product as claimed in amended claim 11 can only be made by the process as claimed in amended claim 1 and cannot be made by another and materially different process.

In the event that the restriction requirement becomes final, Applicants hereby provisionally elect Invention I consisting of amended claim 1 and claims 2 through 10.

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Applicants respectfully request reconsideration and allowance of the pending claims. If the Examiner feels that a telephone conference would expedite the resolution of this case, he is respectfully requested to contact the undersigned.

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the prior art which have yet to be raised, but which may be raised in the future. If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Conley, Rose & Tayon, P.C. Deposit Account Number 03-2769/2085-00600/JMH.

Respectfully submitted,

  
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**MARKED-UP VERSION OF AMENDMENTS**

**IN THE CLAIMS:**

- 1 1. (Once Amended) In a via-first dual damascene process involving the use of a low-K dielectric material as an insulation layer on a wafer substrate during the fabrication of an integrated circuit, a method for photolithographic patterning comprising the steps of:
  - 4 filling an aperture etched into an insulation layer on a wafer substrate with a fill-in material /
  - 5 for isolating the insulation layer from [a] photoresist [layer] deposited thereafter;
  - 6 depositing a photoresist layer on the insulation layer;
  - 7 exposing and developing the photoresist layer for providing a photoresist mask pattern for
  - 8 subsequent etching of the insulation layer; and
  - 9 removing the fill-in material from the aperture.
  
- 1 11. (Once Amended) In an integrated circuit manufactured using a via-first dual damascene process and having a low-K dielectric material as an insulation layer on a wafer substrate, a photolithographic pattern comprising:
  - 4 an aperture etched into an insulation layer on a wafer substrate filled with a fill-in material
  - 5 for isolating the insulation layer from [a] photoresist [layer] deposited thereafter; and
  - 6 a photoresist layer deposited on the insulation layer, in which the photoresist layer is exposed and developed for providing a photoresist mask pattern for subsequent etching of the insulation layer
  - 9 wherein the fill-in material is removed after the photoresist mask pattern is formed.

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1 12. (Once Amended) The pattern as in claim 11, wherein the aperture is fully filled and  
2 thereafter removed.

1 16. (Once Amended) The pattern as in claim 11, wherein the aperture is partially filled and  
2 thereafter removed.